

Baltimore, Md., April 20th, 1905.

The Board of Public Works of Maryland met, this date, in the office of the Governor in the Fidelity Building, Baltimore, at 10:45 a. m, Present: Governor Warfield, Comptroller of the Treasury Atkinson, and Treasurer Vandiver.

On motion of the Comptroller, seconded by the Treasurer, it was

Ordered that Mr. R. Thomas, Cashier, be constituted the true and lawful attorney of the State of Maryland to vote the stock owned by the State in the Easton National Bank of Maryland for the extension of the corporate existence of said Bank and that the Secretary of the Board be authorized to execute the power of Attorney for that purpose.

The following letter from Hon. Bernard Carter was read by the Secretary and leave was granted Mr. Carter to substitute for the said original copies mentioned therein.

April 19th, 1905.

To the Board of Public Works of Maryland,
Annapolis, Maryland.

By the direction and on behalf of the Philadelphia, Baltimore and Washington Railroad Company, I respectfully address to you this communication.

1. By the Act of Assembly of Maryland of 1904, Chapter 116 the above named Company is authorized to build, maintain and operate as a part of its railroad a bridge adequate for two or more tracks across the Susquahanna River, between Havre de Grace in Harford County and Perryville in Cecil County to be located as the Board of Directors of the Company shall determine the location, however, to be north of, and not more than three hundred and fifty (350) feet distance from the existing railroad bridge of the Company crossing the River; the bridge to be constructed generally according to such plans as the Board of Directors of the Company shall approve and prescribe, a pivot drawn of the dimensions in said Act prescribes being also provided for.

2. By Section 9 of the Act of Congress of March 3, 1899, Chapter 425, (United States Compiled Statutes 1901, Vol. 3, page 35-40) it is provided;

That it shall not be lawful to construct or commence the construction of a bridge over any navigable water of the United States, until the consent of Congress to the building of such structure shall have been obtained, and until the plans for the same shall have been submitted to, and approved by, the Chief of Engineers and by the Secretary of War.

Provided, however, that such structures may be built under the authority of the Legislature of the State, across rivers and other water ways the navigable portions of which are wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War, before construction is commenced; and provided further, that when plans for any bridge or other structure have been approved by the Chief of Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has been previously submitted to and received the approval of the Chief of Engineers and the Secretary of War.

3. Inasmuch as the Act of Assembly of Maryland of 1904, Chapter 116 above mentioned authorized the Company to build its bridge in such location north of and not more than three hundred and fifty (350) feet distant from the existing railroad bridge of the Company, and upon such plans as should be approved by the Board of Directors of the Company as inasmuch as the Act of Congress investing in the Legislature of Maryland the power to authorize the building a bridge across a river the navigable portion of which lies wholly within Maryland (and so crossing the Susquehanna River at Havre de Grace) accompanies this grant of authority with the consideration that the location and plan of such bridge shall be submitted to and approved by the United States Chief of Engineers and the Secretary of War, the Company was, and is, of opinion that all that it was required to do after adopting what seemed to it a proper location (within the limits prescribed by the Act of 1904 Chapter 116), for the bridge and the proper plans for the same was to obtain the approval of the Chief of Engineers and the Secretary of War to the said location and plans; and, that the provisions of

Section 177 of Article 23 of the Code of Public General Laws of Maryland of 1888 (which provides for the filing with you and obtaining your approval the plan of a bridge across any navigable water in the State) do not apply to the bridge mentioned in the Act of Assembly of 1904, Chapter 116.

Being of this opinion, the Company secured the approval of the Chief of Engineers and of the Secretary of War to the location and plans of the bridge, which, under the Act of 1904, Chapter 116, it is authorized to build across the Susquehanna River, included in which plans are the plans of the piers of the draw and of the draw mentioned in said Act of Assembly, and has commenced the construction of its said bridge, and will construct it in all respects in accordance with the above mentioned plans, and subject to the several conditions prescribed by the Secretary of War as a sort of approval of the plans.

4. It having been recently suggested that notwithstanding the above mentioned provisions of the Act of Assembly of 1904, Chapter 116, the above mentioned Act of Congress, and the approval of the location and plans of the bridge by the Chief of Engineers and the Secretary of War, the plans of said bridge should be submitted to you on your approval, I am instructed by the Company herewith to present to you, and do herewith present for your approval the said plans, together with the original documents showing the above mentioned approval of the Secretary of War and the Chief of Engineers, and respectfully request that you give your approval to the said plans.

The Company in so doing does not admit that the above mentioned Statute of Maryland (Section 177 of Article 23 of the Code of Public General Laws of Maryland) requires the submission of said plans for your approval, but, it has no doubt that the said plans will receive that approval.

As the originals of said plans and location of the bridge as submitted by the Company to the Chief of Engineers and Secretary of War, and the originals of the documents showing their approval of the same are herewith submitted for your inspection, and as it is necessary that the Company should retain these originals, I ask leave, after you have inspected said documents to be allowed to substitute for said originals of the same to be retained among your

files.

I am,

With great respect,

Yours very truly,

Bernard Carter.

On motion of the Treasurer, seconded by the Comptroller, it was Resolved, That the Board of Public Works sell to the Burnt District Commission of Baltimore City the State Tobacco Warehouse and Dock property on Dugan's and O'Donnell's wharves for \$182,500.

The Board at 11 a. m., proceeded to Room 703 Fidelity Building where they met in conference the members of the Burnt District Commission of Baltimore City. Present: Mayor Timanus, Chairman Sherlock Swann and Messrs. Snyder, Lord and Graham.

After a long discussion the Board of Public Works and the Burnt District Commission finally agreed to the purchase price to be paid the State for the State Tobacco Warehouse and Dock property referred to above, said price being \$182,500, and adopted the following resolution:

Resolved, That the offer of the Burnt District Commission of Baltimore City to pay \$182,500 for the property known as State Tobacco Warehouse properties Nos. 1 and 2 be accepted, payment of the same to be made in cash as soon as the necessary deeds etc. are prepared.

At 2:30 p. m., the conference adjourned and at 2:35 p. m., the Board of Public Works adjourned.

R. S. Hart, Acting Secretary.

